

CIVIL ADMINISTRATION AND JURISDICTION IN LIBERATED TERRITORY

Memorandum of agreement signed at London May 16, 1944

Entered into force May 16, 1944

*Obsolete*¹

60 Stat. 1581; Treaties and Other
International Acts Series 1514

MEMORANDUM OF AGREEMENT BETWEEN NORWAY AND THE UNITED STATES OF AMERICA RESPECTING THE ARRANGEMENTS FOR CIVIL ADMINISTRA- TION AND JURISDICTION IN NORWEGIAN TERRITORY LIBERATED BY AN ALLIED EXPEDITIONARY FORCE

The discussions which have taken place between the representatives of Norway and the United States of America concerning the arrangements to be made for civil administration and jurisdiction in Norwegian territory liberated by an Allied Expeditionary Force under an Allied Commander in Chief have led to agreement upon the following broad conclusions.

The agreed arrangements set out below are intended to be essentially temporary and practical and are designed to facilitate as far as possible the task of the Commander in Chief and to further our common purpose, namely, the speedy expulsion of the Germans from Norway and the final victory of the Allies over Germany.

1. In areas affected by military operations it is necessary to contemplate a first or military phase during which the Commander in Chief of the Expeditionary Force on land must, to the full extent necessitated by the military situation, exercise supreme responsibility and authority.

2. As soon as, and to such extent as, in the opinion of the Commander in Chief, the military situation permits, the Norwegian Government will be notified in order that it may resume the exercise of responsibility for the civil administration, subject to such special arrangements as may be required in areas of vital importance to the Allied forces, such as ports, lines of communication and airfields, and without prejudice to the enjoyment by the Allied

¹ Agreement ceased to be effective upon withdrawal of Allied liberating forces from Norway. The bulk of such forces withdrew in late 1945.

forces of such other facilities as may be necessary for the prosecution of the war to its final conclusion.

3. *a.* During the first phase the Commander in Chief will make the fullest possible use of the advice and assistance which will be tendered to him through Norwegian liaison officers attached to his staff for civil affairs and included in the personnel of a Norwegian military mission to be appointed by the Norwegian Government. He will also make the fullest possible use of loyal Norwegian local authorities.

b. The Norwegian liaison officers referred to in sub paragraph *a* above will, so far as possible, be employed as intermediaries between the Allied military authorities and the Norwegian local authorities.

4. During the first phase the Norwegian Government will assist the Commander in Chief by reorganizing or re-establishing the Norwegian administrative and judicial services through whose collaboration the Commander in Chief can discharge his supreme responsibility. For this purpose the Norwegian Government will act through its representatives on the spot, who, for practical reasons, will be included in the Norwegian military mission referred to in sub paragraph 3*a* above.

5. The appointment of the Norwegian administrative and judicial services will be effected by the competent Norwegian authorities in accordance with Norwegian law. If during the first phase (see paragraph 1 above) conditions should necessitate appointments in the Norwegian administrative or judicial services, the competent representative of the Norwegian Government will, upon the request of the Commander in Chief and after consultation with him, then appoint the requisite officials.

6. Members of the Norwegian armed forces serving in Norwegian units with the Allied Expeditionary Force in Norwegian territory shall come under the exclusive jurisdiction of Norwegian courts. Other Norwegians, who, at the time of entering Norway as members of the Allied Expeditionary Force, are serving in conditions which render them subject to Allied naval, military or air force law, will not be regarded as members of the Norwegian armed forces for this purpose.

7. In the exercise of jurisdiction over civilians, the Norwegian Government will make the necessary arrangements for insuring the speedy trial in the vicinity by Norwegian courts of such civilians as are alleged to have committed offenses against the persons, property, or security of the Allied forces, without prejudice however to the power of the Commander in Chief, if military necessity requires, to bring to trial before a military court any person alleged to have committed an offense of this nature.

8. Without prejudice to the provisions of paragraph 15, Allied service courts and authorities will have exclusive jurisdiction over all members of the Allied forces respectively and over all persons of non-Norwegian nationality not belonging to such forces who are employed by or who accompany

those forces and are subject to Allied naval, military or air force law. The question of jurisdiction over such merchant seamen as are not subject to Allied service law will require special consideration and should form the subject of a separate agreement.

9. Persons thus subject to the exclusive jurisdiction of Allied service courts and authorities may, however, be arrested by the Norwegian police for offenses against Norwegian law, and detained until they can be handed over for disposal to the appropriate Allied service authority. A certificate signed by an Allied officer of field rank or its equivalent, that the person to whom it refers belongs to one of the classes mentioned in paragraph 8, shall be conclusive. The procedure for handing over such persons is a matter for local arrangement.

10. The Allied Commander in Chief and the Norwegian authorities will take the necessary steps to provide machinery for such mutual assistance as may be required in making investigations, collecting evidence, and securing the attendance of witnesses in relation to cases triable under Allied or Norwegian jurisdiction.

11. There shall be established by the respective Allies claims commissions to examine and dispose of claims for compensation for damage or injury preferred by Norwegian civilians against the Allied forces exclusive of claims for damage or injury resulting from enemy action or operations against the enemy.

12. Members of the Allied forces and organizations and persons employed by or accompanying those forces, and all property belonging to them or to the Allied Governments, shall be exempt from all Norwegian taxation (including customs) except as may be subsequently agreed between the Allied and Norwegian Governments. The Allied authorities will take the necessary steps to insure that such property is not sold to the public in Norway except in agreement with the Norwegian Government.

13. The Commander in Chief shall have power to requisition billets and supplies and make use of lands, buildings, transportation and other services for the military needs of the forces under his command. Requisitions will be effected where possible through Norwegian authorities and in accordance with Norwegian law. For this purpose the fullest use will be made of Norwegian liaison officers attached to the staff of the Commander in Chief.

14. The immunity from Norwegian jurisdiction and taxation resulting from paragraphs 8 and 12 will extend to such selected civilian officials and employees of the Allied Governments present in Norway on duty in furtherance of the purposes of the Allied Expeditionary Force as may from time to time be notified by the Commander in Chief to the competent Norwegian authority.

15. Should circumstances in future be such as to require provision to be made for the exercise of jurisdiction in civil matters over non-Norwegian

members of the Allied forces present in Norway, the Allied Governments concerned and the Norwegian Government will consult together as to the measures to be adopted.

16. Other questions arising as a result of the liberation of Norwegian territory by an Allied Expeditionary Force (in particular questions relating to finance and currency and the attribution of the cost of maintaining the civil administration during the first or military phase) which are not dealt with in this agreement shall be regarded as remaining open and shall form the subject of further negotiation as circumstances may require.

IN WITNESS WHEREOF, this instrument has been executed in duplicate as of this 16th day of May, 1944, on behalf of the parties hereto under the respective authorizations hereinafter set forth.

I hereby execute this instrument in behalf of Norway in accordance with the following authorization:

"We Haakon, King of Norway, in accordance with Royal Decree of 3 March, 1944, hereby authorize and empower our Minister for Foreign Affairs, Monsieur Trygve Lie, to sign an agreement between Norway and the United States of America concerning civil administration and jurisdiction in Norwegian territory liberated by an allied expeditionary force.

LONDON, 3 March, 1944.

HAAKON R"

L.S.

TRYGVE LIE

*Minister for Foreign Affairs of
Norway*

Pursuant to instructions from the Joint Chiefs of Staff, I hereby execute this instrument in behalf of the United States of America.

DWIGHT D. EISENHOWER

General, United States Army